

REMARKS

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 1-18 and 21-28 are allowed.

Rejection under 35 USC 112, first paragraph

Claims 19-20 are rejected as allegedly lacking written description pursuant to 35 USC 112, first paragraph. This rejection is respectfully traversed.

In the rejection, the Examiner argues that there is no support for the recitation of the range for z , i.e., $1 \leq z \leq 2y+1$. However, to satisfy the written description requirement, all that is needed is forth the disclosure to "reasonably convey" that applicants' had possession of the claimed subject matter at the time of filing. See, e.g., *In re Kaslow*, 217 USPQ 1089 (Fed. Cir. 1982). *Ipsis verbis* disclosure is **not required**. See, e.g., *Fujikawa v. Wattanasin*, 39 USPQ 1895 (Fed. Cir. 1996).

As set forth at page 3 of the specification, the formula for anion A^- , $[PF_x(C_yF_{2y+1-z}H_z)_{6-x}]^-$, has the subscripts x , y and z . The subscript x is a number greater than or equal to 1 but less than 6 (i.e., $1 \leq x < 6$). The subscript y is a number that is in the range of 1 to 8 (i.e., $1 \leq y \leq 8$). The subscript z is a number which is satisfying the equation $0 \leq z \leq 2y+1$, which based on the possibilities for y , is a number in the range of 0 to 17. In each of Examples 1-3, z is 0.

Upon reading the formula for the anion A^- one of ordinary skill in the art would readily recognize that the formula provides for the possibility of there being H atoms in the anion. Further, one of ordinary skill in the art would also recognize for there to be H atoms in the anion, subscript z must be at least 1. As a result, the specification more than reasonably conveys to one of ordinary skill in the art that applicants' had possession of the subject matter of claims 19 and 20 at the time of filing.

In addition, compare the facts in *In re Wertheim*, 191 USPQ 90 (CCPA 1976). In *Wertheim*, the applicants disclosed a range of 25-60%, with specific examples at 36% and 50%. The applicants subsequently added a claim that recited 35-60%, even though there was

no specific disclosure at 35%. In finding that the claimed range of 35-60% was supported, the court noted that the burden of establishing that a claimed invention is not described in the disclosure rests on the PTO. Furthermore, the court stated that:

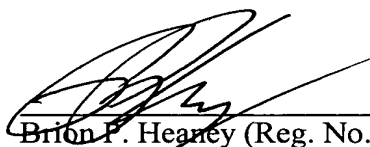
In the context of *this* invention, in light of the description of the invention as employing solids contents within the range of 25-60% along with specific embodiments of 36% and 50%, we are of the opinion that, as a factual matter, persons skilled in the art would consider processes employing a 35-60% solids content to be part of appellants' invention and would be led by the Swiss disclosure so to conclude. ... The PTO has done nothing more than to argue lack of literal support, which is not enough. (*Wertheim* at page 98).

Thus, for the reasons discussed above, one of ordinary skill in the art would consider anions in which the value for z was $1 \leq z \leq 2y+1$ to be part of applicants' inventions.

In view of the above remarks, it is respectfully submitted that applicants' disclosure more than reasonably conveys to one of ordinary skill in the art that, as of the filing date, applicants' had possession of the claimed subject matter. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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